

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHINUA THOMPSON,

Plaintiff,

-against-

POLICE OFFICER VALERIE FRANCIS, Shield  
No. 16317; POLICE OFFICER RENEE  
ETHERIDGE, Shield No. 208; DETECTIVE  
BRIAN MEICHSNER, Shield No. 3885;  
SERGEANT MICHAEL GALLETTA, Shield No.  
1341; and JOHN and JANE DOE 5 through 10,  
individually and in their official capacities, (the  
names John and Jane Doe being fictitious, as the  
true names are presently unknown),

Defendants.  
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**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISMISSAL**

**11-cv-3165 (SJ)(SMG)**

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ **APR 02 2013** ★

BROOKLYN OFFICE

**WHEREAS**, plaintiff commenced this action by filing a complaint on July 1, 2011 alleging that defendant City of New York (the "City") and unnamed police officers violated plaintiff's federal civil and state common law rights; and

**WHEREAS**, plaintiff filed an amended complaint on December 19, 2011 withdrawing his claims against the City; and naming Valerie Francis, Renee Ethridge, Brian Meischer and Michael Galletta as defendants alleging that they violated plaintiff's federal civil and state common law rights;

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without defendants admitting any fault or liability;

**WHEREAS**, plaintiff has authorized his counsel to agree to the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff CHINUA THOMPSON the sum of Two Thousand Five Hundred Dollars (\$2,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release the City of New York, Valerie Francis, Renee Ethridge, Brian Meischer and Michael Galletta, and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiff's civil rights, from the beginning of the world to the date of the General Release, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to the City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, plaintiff shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any

*except that this stipulation shall not serve to bar any claims plaintiff may have or bring as a result of an investigation on January 2012*

other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiff agrees to hold harmless the defendants regarding any liens or past and/or future Medicare payments, presently known or unknown, in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 27, 2012

**Gabriel Paul Harvis, Esq.**  
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By: \_\_\_\_\_

Gabriel Harvis

2/9/12

**MICHAEL A. CARDOZO**  
Corporation Counsel of the  
City of New York  
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By: \_\_\_\_\_

Steve Stavridis

SO ORDERED:

s/Sterling Johnson, Jr.

UNITED STATES DISTRICT JUDGE



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NY 10007

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February 15, 2012

**Via ECF**

Senior Judge Sterling Johnson, Jr.  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Thompson v. City of New York et al*, 11-cv-03165 (SJ)(SMG)

Your Honor:

I am a Senior Counsel in the New York City Law Department representing defendants in the referenced civil rights action. I write respectfully on behalf of both parties to inform the Court that the parties have reached a settlement in this case, and to request that the Court so order the attached Stipulation of Settlement and Discontinuance.

I thank the Court for its consideration of the foregoing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Stavridis".

Steve Stavridis  
Special Federal Litigation Division

cc: Afsaan Saleem, Esq. (By ECF)